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May 13, 2011

By ECF

The Honorable A. Kathleen Tomlinson
United States Magistrate Judge
Eastern District of New York
Alfonse M. D'Amato Federal Building
United States District Court
100 Federal Plaza
Central Islip, NY 11722-9014

Re: *JDM Long Island LLC v. U.S. Bank N.A., as Trustee;*
U.S. Bank N.A., as Trustee v. Town of Hempstead IDA, et al.,
No. 10-cv-05564-JS-AKT

Dear Judge Tomlinson:

This firm represents defendant and counterclaim plaintiff U.S. Bank N.A. ("U.S. Bank") in the above-referenced action. Pursuant to Your Honor's April 25, 2011 Initial Conference Minute Order, the plaintiff and defendant have conferred regarding a method for production of ESI, and I write on behalf of both of these parties to inform the Court that the parties have agreed to the following protocol:

Documents shall be produced as single-page, Bates-endorsed, black and white, Group IV, 300 DPI Tagged Image File Format ("TIFF") images. All document productions shall include an Opticon image cross-reference file ("OPT") denoting the document breaks and a Concordance database load file ("DAT") containing the fields BEGBATES, ENDBATES, BEGATTACH, ENDATTACH, DATESENT, TIMESENT, TO, FROM, CC, BCC, SUBJECT, CREATEDATE, CREATETIME, MODDATE, MODTIME, and DOCTITLE. Document-level extracted text files shall be provided for all documents. For any document that does not contain extracted text, OCR shall be provided. All text files shall be

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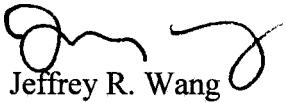
Honorable A. Kathleen Tomlinson

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named as the first page of the Bates number. Each party reserves the right to request any native file in the event the TIFF file is rendered unreadable. Notwithstanding any of the foregoing, the parties reserve the right to make paper copies of any email or other electronic documents and separately Bates-stamp the paper copies individually, provided that the producing party will then also produce the native electronic files of such email or other electronic documents.

Respectfully,



Jeffrey R. Wang

cc: Kevin J. Nash, Esq. (by e-mail and ECF)